



**ILLINOIS WORKERS' COMPENSATION COMMISSION**

**100 W. RANDOLPH ST. #8-200**

**CHICAGO, IL 60601-3227**

**312/814-6611**

**WWW.IWCC.IL.GOV**

**ROD R. BLAGOJEVICH**  
**GOVERNOR**

**DENNIS R. RUTH**  
**CHAIRMAN**

**MEMO**

**TO:** All Arbitrators

**FROM:** Chairman Dennis R. Ruth

**DATE:** May 2, 2005

**RE:** Redline case management

Over the past two years, this administration has worked to reduce the time it takes for a case to move through the workers' compensation system by trying to make it easier for a case to get to trial. Now it is time to pay attention to the number of cases which have been pending for more than three years and are now above the red line.

Effective immediately all Arbitrators are to begin a process of reviewing all cases that have been on file for over three years at the time of your status calls to determine whether there is good cause for those cases to remain on the Commission's arbitration dockets. This is not a directive to conduct massive dismissals of cases, as has been conducted by past administrations, but rather a directive to analyze each case to determine why it is still pending after three years.

Where the parties do not demonstrate good cause for a case continuing to remain on the arbitration docket you are to determine, in consultation with the parties, what appropriate measures need to be taken to bring the case to conclusion. In those instances where the parties continue to fail to demonstrate good cause for allowing a case to remain on the arbitration docket and do not avail themselves of a fair and reasonable opportunity to conclude the case, which you should allow them, then you should DWP those cases. In instances where a case is ultimately DWP'd you should be prepared to make a record, at the time of a reinstatement hearing, as to the reason the case was dismissed including the opportunities the parties were given to bring the case to conclusion.

The first step in this case review process is to require the parties to give sufficient detailed information in their requests for continuances to allow you to make an informed decision as to whether to grant a continuance or not. The following list is an example of the types of information you should be looking for from the parties in deciding whether a case should be continued:

Detailed information as to the nature, type and dates of the most recent treatment the petitioner is receiving rather than simply reciting that petitioner is still under medical care.

Detailed information as to the type of vocational rehabilitation program the petitioner is undergoing (i.e. formal schooling, job training, job search, etc), when the program was initiated, and the expected time of completion of the program rather than simply reciting that petitioner is still undergoing vocational rehabilitation.

If a continuance request indicates that petitioner remains temporarily totally disabled it should also indicate whether respondent is paying TTD benefits and if not when they were last paid.

Dates that settlement demands and offers were made and dates that depositions are scheduled when continuance requests are based on pending settlement discussions or trial preparation.

If a continuance request indicates that a settlement agreement has been reached but the parties are awaiting approval of a Medicare set aside plan it should also indicate when the agreement was reached and when the approval request was submitted to Medicare.

The nature of any third party litigation and what is occurring to bring that litigation to conclusion when continuance requests are based on pending third party litigation.

The nature and dates of any bankruptcy or liquidation proceedings of either the respondent or its insurance carrier that the party's indicate are preventing them from proceeding on the workers' compensation claim. In many instances the parties may be mistaken or misinformed and by requiring detailed information the parties may discover they are able to conclude the case. Further, with additional information being supplied my office may in some instances be able to assist in determining whether there is in fact a legal impediment to proceeding.

Specific information as to the nature, age, and relative importance of other legal matters when a continuance request is based on an attorney's involvement in other matters that creates a conflict from proceeding on your case.

The above list is meant as examples of the type of information you should be looking for in analyzing and determining whether to continue redline cases. It is not an exhaustive list of either the reasons why a case may be continued or the information you should be looking for. By requiring this type of information, which you should be tracking on either your docket sheets, Arbtrack notes, or continuance request letters you should be able to conclude quicker those cases which are ripe to be concluded.

It is my hope the Bar will recognize the value of moving old cases out of the system and will cooperate with this initiative. As you perform your review I would stress that you should presume the attorneys who appear before you are being honest in their representations to you. However, in those few instances where it becomes clear that an attorney is not being honest in his or her representations you should take appropriate action in regards to the case and refer the specifics of that attorney's conduct to my office for further review.

The primary objective is to be reviewing cases over three years old to determine whether there are legitimate reasons for those cases to remain on the Commission's arbitration dockets and where there are not to give the parties a reasonable opportunity to conclude the case. I expect each of you to have completed a thorough review of all of your redline cases over the next six months and over the next year to have brought to conclusion all cases where there is no just cause for those cases to remain on our dockets. This is an obligation that we owe to both the employers and employees of this State.